

**IN THE CIRCUIT COURT OF [TYPE CO.NAME] COUNTY  
STATE OF MISSOURI**

STATE OF MISSOURI ex rel	)	
MISSOURI DEPARTMENT OF HEALTH	)	
AND SENIOR SERVICES	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. _____
	)	
Serve [type defendant's name]	)	
[type defendant's name]	)	
[type address]	)	
[type city, ST ZIP]	)	
	)	
Defendant.	)	

**PETITION FOR INJUNCTION**

Comes now the State of Missouri, by and through, Prosecuting Attorney of [Type Co. Name] County, [Type Prosecutor's Name], and the Missouri Department of Health and Senior Services, and for their petition state and aver as follows:

1. [Type Prosecutor's Name] is the duly elected, qualified and acting prosecutor for [Type Co. Name] County
2. The Missouri Department of Health and Senior Services [Hereinafter referred to as "DHSS"]) is a duly authorized state agency created under Section 10 of the Omnibus State Reorganization Act of 1974, to, among other things, administer the sewage disposal system law pursuant to Section 701.025 through 701.059, RSMO. and the applicable regulation promulgated thereunder. The DHSS is charged with administering and enforcing these provisions.
3. The defendants, [type defendant's name(s)] own real property located at [Type address, city, county], Missouri.
4. The [type defendant's surname(s)] own and operate an onsite sewage treatment and disposal system that is [type complaint e.g. discharging sewage effluent from their property] and presents a nuisance and/or health hazard.
5. Venue is proper in this action because the violations of the law and property are located in [Type Co. Name], Missouri pursuant to Section 508.010 RSMo.
6. An investigation pursuant to the [type complaint date] complaint determined the sewage disposal system was in violation of Sections 701.025-701.059 RSMo due to the [type complaint e.g. surfacing and discharge of sewage effluent from their property].
7. The DHSS local contractor issued a written violation notice to the defendants on or about [type date] regarding complaints about their sewage system.

8. The [type defendant's surname(s)] [was/were] given options to be taken to resolve the compliance issues by [type short summary of options].

9. Another inspection on or about [type date], determined that the problem still existed.

10. This property has been continually inspected and as late as [type date of **recent** last inspection], the required remedial actions set forth in the violation notice had not been completed.

11. The DHSS' contractor has given notice of such alleged violation in writing, included a statement of the reasons for the issuance of the notice, allowed a reasonable time for performance of the act to be corrected, and served upon the defendants by mailing notice to them at their address and communicating with them [over the phone/in person] regarding the corrective action necessary to obtain compliance.

12. The unlawful acts of defendants are of such a continuing nature, and with such conscious disregard for the protection of the environment of the State of Missouri and the health and safety of their neighbors, that the onsite disposal systems law violations by defendants will continue unless defendants are restrained by the court. Plaintiff has no adequate remedy at law and this suit for injunctive relief is authorized by Section 701.037.5, RSMo.

WHEREFORE, pursuant to their activities at this site, order defendant(s) to comply with the law in Chapter 701, RSMo and the applicable regulations by:

a. Awarding DHSS a permanent injunction requiring defendant(s) to immediately comply with Chapter 701 and the applicable regulations by bringing their onsite sewage system into compliance with the law, in that, it will not continue to [type complaint e.g. discharge sewage effluent from their property] and continue to be a nuisance.

b. The cost of this action be charged against defendants.

c. Any further relief this court deems just and proper.

Respectfully submitted,

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[type prosecutor's name]  
Prosecuting Attorney  
State of Missouri, County of [type county name]

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[type your name]  
Environmental Public Health Specialist  
[type county health dept. name]